

merely amends the DFARS guidance to reflect a recent statutory change to the criteria that must be considered when granting a public interest exception, and to streamline internal DoD approval requirements.

Item XX—The rule places restrictions on the acquisition of foreign products.

Item XXII—The rule only applies to contracts that are awarded in support of the closure or realignment of a military installation.

Item XXVI—The rule only applies to contracts that are awarded under the Manufacturing Science and Technology Program.

*DAC 91-9, Items III, XIX, XXIV, XXVII, XXXII*

The Regulatory Flexibility Act applies. A final regulatory analysis has been performed and is available by writing the Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), 3062 Defense Pentagon, Washington, DC 20301-3062.

*DAC 91-9, Item XXXV*

This interim rule is expected to have a positive economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rule simplifies procedures for DoD acquisition of commercial items. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the address stated herein. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D712 in correspondence.

#### D. Paperwork Reduction Act

*DAC 91-9, Items I, III, IV, V, VI, VII, VIII, X, XI, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX, XXXI, XXXII, XXXIII, XXXIV, XXXV*

The Paperwork Reduction Act does not apply because the revisions in this rulemaking notice do not contain and/or affect information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

*DAC 91-9, Item XIII*

The Paperwork Reduction Act applies. OMB has approved the

information collection requirement under OMB Control Number 9000-0007. Michele P. Peterson, Executive Editor, Defense Acquisition Regulations Council.

Defense Acquisition Circular (DAC) 91-9 amends the Defense Federal Acquisition Regulation Supplement (DFARS) 1991 edition. The amendments are summarized as follows:

#### Item I—Ethics (DFARS Case 95-D707)

This final rule deletes DFARS Subpart 203.71, Contractor Employee Communications with Government Officials, and the corresponding contract clause at 252.203-7003, Prohibition Against Retaliatory Personnel Actions. DFARS Subpart 203.71 and the clause at 252.203-7003 implemented 10 U.S.C. 2409a, which was repealed by Section 6005 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355). Guidance on whistleblower protections for contractor employees has been added to the FAR at Subpart 3.9, by Federal Acquisition Circular 90-30, dated July 21, 1995.

#### Item II—Sequence of Progress Payments and Contract Modifications (DFARS Case 93-D016/95-D012)

This final rule was issued by Departmental Letter 95-012, effective July 3, 1995. The rule amends DFARS Subparts 204.71, 215.4, 217.74, and 243.1 to provide additional guidance regarding identification of funding under DoD contracts. Contracting officers shall ensure that contracts clearly identify the accounting classification reference numbers which apply to each line and subtitle item. When a line item contains multiple accounting classification citations, the contract shall include instructions which provide for payment in a manner that reflects the performance of work on the contract. Contracts that contain both fixed-price and cost-reimbursement line or subtitle items shall identify the contract type for each line or subtitle item. In addition, contract modifications which obligate or deobligate funds shall identify the accounting changes for each line and subtitle item to facilitate appropriate payment.

#### Item III—Personal Services Contracts (DFARS Case 94-D302)

The interim rule published as Item XXX of DAC 91-7 is revised and finalized. The rule establishes procedures for entering into personal services contracts under 10 U.S.C. 1091 to carry out health care responsibilities in medical treatment facilities. The final rule differs from the interim rule in that it adds language at DFARS 206.001,

deletes 206.102, and amends 237.104(b)(ii), to recognize that personal services contracts authorized by 10 U.S.C. 1091 are exempt from FAR Part 6 competition requirements.

#### Item IV—Contract Award (DFARS Case 95-D701)

The interim rule issued by Departmental Letter 95-016 on August 7, 1995, is converted to a final rule without change. The rule (1) revises DFARS 206.302-5(b)(i) to exclude soft drinks, that are manufactured in the United States, from the limitations which apply to noncompetitive acquisition of items from military exchange stores outside the United States; (2) adds a new section at DFARS 207.470 to place restrictions on the lease of vessels, aircraft, or vehicles for a term of 18 months or more; (3) deletes the language at DFARS 215.871 concerning production special tooling and production special test equipment; and (4) deletes DFARS 219.602-1(a), 219.602-70, and 252.219-7009 to eliminate certain notification requirements pertaining to the Certificate of Competency Program. These DFARS revisions implement Sections 1506, 3065, 3066, and 7101(b) of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355).

#### Item V—Class Justifications and Approvals (DFARS Case 95-D009)

This final rule adds language at DFARS 206.303-1(c) and 207.102 to state that: (1) When conditions warrant, a class justification for other than full and open competition may provide for award of multiple contracts extending across more than one program phase; and (2) when a class justification for other than full and open competition has been approved, planning for competition shall be consistent with the terms of that approval.

#### Item VI—Integrated Materiel Management (DFARS Case 95-D005)

This final rule amends DFARS 208.7003 to permit greater flexibility for local purchase of items assigned for integrated materiel management (IMM), when such action is in the best interest of the Government. The dollar threshold at which file documentation is required to justify local purchase of an IMM item is increased from \$100 per line item to the micro-purchase threshold. The dollar threshold at which a waiver is required, before local purchase of an IMM item, is increased from \$5,000 per line item to the simplified acquisition threshold. Additionally, the list of points of contact for waiver requests is revised.